

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

WALTER E. DUNN

PLAINTIFF

v.

Case No. 4:20-cv-4056

FORWARD AIR INC.,
CHARLES LUCAS ORIVE,
and ENTERPRISE FM TRUST

DEFENDANTS

ORDER

Before the Court is a Motion to Dismiss by Separate Defendant Forward Air, Inc. ECF No. 5. After Forward Air, Inc. filed its Motion to Dismiss, Plaintiff filed a First Amended Complaint in this manner. ECF No. 17. The First Amended Complaint does not list Forward Air, Inc. as a defendant. Because Forward Air, Inc. is no longer a party to this litigation, the Court finds that the Motion to Dismiss should be and hereby is **DENIED AS MOOT**. *See Pure Country, Inc. v. Sigma Chi Fraternity*, 312 F.3d 952, 956 (8th Cir. 2002) (plaintiff's filing of a motion to amend the complaint rendered the defendant's motion to dismiss the original complaint moot).

IT IS SO ORDERED, this 20th day of October, 2020.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge